1948. (K) File No. B. Cr. P.C. 48

Legal Dept.

B BRANCH

Subject:— L.A. Bill No XV of 1948

A Bill to amend the code of criminal Procedure 1898 in its application to the Province of Bombay.

(Addition of Chapter XLII A)

Bombay Act No. XLVI of 1948.

P 19

File No. B. Cr. P.C. - 148.

555-B.

Office of the R.L.A.

The necessary draft Bill is sent herewith.

2. Clause 3 of the Bill provides for insertion of a new Chapter XLII A empowering courts to award costs against private parties in cases where the accused is ordered to be discharged or acquitted and where, in the opinion of the court, the complaint was made or the information was given without any reasonable or probable cause. The costs would include expenses incurred in respect of witnesses and pleader's fees which the court considers reasonable. Simple imprisonment for a period not exceeding 30 days is provided in default of the payment of the costs awarded. In view of this fact, provision has been made for an appeal being made to the Sessions Court where the order is passed by a magistrate and the amount awarded exceeds Rs. 50.

3. Clause 2 of the Bill provides for insertion ofa new section 476C. This section enables the courts to award costs in sanction prodeedings. It appears desirable to make such a provision as a number of frivolous applications are made to courts by private parties for grant of sanction to prosecute their adversaries. Care has been taken to provide that no order for payment of costs under this section is made against the Government or a public servant acting on behalf of the Government.

4. It does not appear necessary to make a provision for payment of costs in chapter proceedings as these proceedings are mostly started on information given by police officers and not by private parties.. M.D. should verify whether the Bill carries out the intention of Government.

5. The Subject-matter of the Bill falls under entry of 2 in List III in the Seventh Schedule to the Government of India Act, 1935. The Bill does not require any sanction or recommendation under the Act. None of the provisions of the Bill is repugnant to any provisions of the Code of Criminal Procedure, 1898, or any other existing law. It will not, therefore, be necessary to reserve the

Contd:

Bill for the consideration of the Governor General under sec. 107(2) of the Act.

6. The Home Department will no doubt attach a suitable Sttatement of Objects and Reasons to the Bill.

P.M.LAD
30/1

Memorandum on Legal Affairs.

U.R.to H.D., No. 1079 m dated 30th January 1948.

MM

5C dated 31-5-'56.

Office of the R.L.A.

The question referred for R.L.A.'s consideration is that of awarding costs generally in the case of frivolous criminal complaints.

2. Such complaints can be lodged either (1) by private individuals or (2) by public officials, for example, of the police Department.

3. In their judgment in the case of "Emperor V. Lagu Jamu Pawar" the High Court dealt with the question of criminal complaints lodged by private prosecutors and expressed the view that they had no inherent power to grant costs; and recommended for the consideration of the Legislature whether in such complaints wider powers with regard to awarding costs should not be conferred on the High Court when there are circumstances from which the Court is of the opinion that a complaint is frivolous or vexatious or is abuse of the process of the Court.

4. Special enactments apart, there is no general provision in the Code of Criminal Procedure for awarding costs in such cases, except that contained in Section 250. That section provides as follows:-

> "If in any case instituted upon complaint or upon information given to a police officer or to a Magistrate, one or more persons is or are accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may, by his order of discharge or acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why

he should not pay compensation to such accused or to each or any of such accused when there are more than one or, if such person is not present, direct the issue of a summons to him to appear and show cause as aforesaid."

This privision is intended not so much to reimburse the unfortunate accused person for the costs incurred by him but to give him compensation; and that too is very limited in amount. Moreover, our Courts have held that this section does not apply to a case instituted on a police report or on information given by a police officer either to his superior or to a Magistrate regarding a cognisable offence and such protection has been recently held to extend to a village police patil with the result that where a village police patil ~~with the result that where a village police patil~~ made a false and frivolous or vexatious report to his official superior of a cognizable offence he could not be ordered to pay compensation under section 250 to the person reported against. (Mahomed Hegra V. Dattatrava Babaji, 48 B.L.R., p.548).

5. The Code contains provisions in certain cases for awarding costs, as for example, for proceddings under Chapter 12, for proceedings under section 195 (about which there is a difference of opinion) or in the case of an adjournment of a trial under section 344 or in the case of a transfer. But these individual provisions are insufficient for protecting an accused who has been dragged to a court of law either out of spite or without sufficient reason. In fact, because there is no such deterrent provision mulcting the prosecutor in costs we generally get a spate of prosecutions of petty nature like hurt, assault, abuse, trespass or defamation.

The primary idea of the prosecutor is either to harass his adversary or put a screw upon him compelling him to concede some civil right. These are precisely the cases in which it is eminently desirable that provision for costs in the event of failure of the prosecution should be made.

6. In England such provision has been made by Statute. Section 6 of the Costs in Criminal Cases Act, 1908, provides that -

"(2) Where a person is acquitted on any indictment or information by a private prosecutor for the publication of a defamatory libel, or for any offence against the Corrupt Practices Prevention Act, 1854, or for the offence of any corrupt practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883 or on an indictment for an offence under the Merchandise Marks Acts, 1887 to 1894, or on an indictment presented to a grand jury under the Vexatious Indictments Act, 1859, in a case where the person acquitted has not been committed to or detained in custody or bound by recognisance to answer the indictment, the court before which the person acquitted is tried may order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, including any proceedings before the examining justices, as taxed by the proper officer of the court.

(3) Where a charge made against any person for an indictable offence (not dealt with summarily) is dismissed by the examining justices, the justices may, if they are of opinion that the charge was not made in good faith, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, but if the amount ordered to be paid

exceeds twenty-five pounds the prosecutor may appeal against the order to a court of quarter sessions in manner provided by the summary jurisdiction Acts, and no proceedings shall be taken upon the order until either the time within which the appeal can be made has elapsed without an appeal being made, or, in case an appeal is made, until the appeal is determined or ceases to be prosecuted."

6. Similar provision is also made in the American jurisdiction. That provision is to the following effect:

"If any informer or plaintiff on a penal statute to whom the penalty or any part thereof if recovered is directed to accrue, discontinues his suit or prosecution or is nonsuited therein or if upon trial judgment is rendered in favour of the defendant the Court shall award to the defendant his costs unless such informer or plaintiff is an officer of the United States especially authorised to commence such prosecution, and the Court at the trial in open court certifies upon the record that there was reasonable cause for commencing the same in which case no costs shall be adjudged to the defendant." (Act May 8, 1792. Ch. 36. Sec.5, 1 Stat, 277).

7. In my opinion, therefore, it is not only desirable but absolutely necessary that a provision along these lines should be made in the Code of Criminal procedure enabling <u>all</u> Criminal Courts to make an order for costs in favour of the accused where the Court is of the opinion that the prosecution is launched by a private prosecutor without <u>reasonable cause.</u>

8. It is a matter for Government's consideration whether a similar provision should not also be made against the Crown in cases where prosecutions are commenced on behalf of the Crown by police officers without reasonable

cause. In England the Act quoted above gives power to Courts to direct payments (out of local funds) of costs of prosecution or defence, apart from the special provision relating to the award of costs against the prosecutor. So far as the accused is concerned the injustice is the same where he is prosecuted without reasonable cause by a private individual or by the Crown.

9. In case it is decided to make a provision for costs in favour of the accused, the further question would naturally arise whether the corresponding provision for recovering costs from him should not be made in the event of his conviction. But where the conviction is secured by the Crown a separate order for costs may not be necessary as the same result can be achieved by an order of fine. Moreover, Section 545 of the Code gives power to the Court to ~~xx~~ pay expenses of the prosecution or compensation out of fine.

P.M.LAD.
19/6

Remembrancer of Legal Affairs.

MM

5C dated 31-5-'56.

(7)

No.2548

Legal Department,

Bombay Castle, 13th March 1948.

From

P.M.Lad, Esquire, I.C.S.,
Secretary to the Government of Bombay,
Legal Department.

To

The Private Secretary to the Governor
of Bombay.

Subject :- A Bill to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay.

Sir, With

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewit for being presented to His Excellency the Governor the authentic copy of the Bill to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 23rd February 1948 and on the 3rd March 1948, respectively.

2. The subject-matter of the Bill falls under entry 2 in List III in the Seventh Schedule to the Government of India Act, 1935, which is not existing law relating to entry 2 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

As the provisions of the bill are repugnant to the provisions of the Code of Cr. Pr. 1898,

3, ...

MM
50 dated 31-5-'56.

3. I also forward herewith six copies of each of the items Nos. 1 to 3 and three copies of item No. 4 of the papers noted in the margin. The Bill was not referred to a Select Committee

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Lwgislative Council.
3. Bill as read for the third time and passed by the Bombay Legislative Council.
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 23rd February 1948 and of the Bombay Legislative Council dated the 3rd March 1948.

I have the honour to be,

Sir,

Your most obedient servant,

P.M.LAD.

Secretary to the Government of Bombay

Legal Department.

Through

The Secretary to the Government of Bombay,
Home Department.

MM.

5C dated 31-5-'56.

No. P.S.G.- 1332
Office of the Private Secretary to the Governor,
Government House,
Bombay, 19th March 1948.

From

L.M. Nadkarni, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay.

Subject: The Code of Criminal Procedure (Bombay Second Amendment) Bill, 1948.

Sir,

With reference to the Code of Criminal Procedure (Bombay Second Amendment) Bill, 1948, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on 23rd February and 3rd March 1948, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the President, that as the provisions of the Bill are repugnant to the provisions of the Code of Criminal Procedure, 1898, which is an existing law relating to entry 2 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Governmentof India Act, 1935. His Excellency the Governor is accordingly pleased, under section 75 of the Government of India Act, 1935, to declare that he reserves the Bill for the consideration of His Excellency the Governor-General.

Your obedient servant,

L.M.NADKARNI.

Private Secretary
to the Governor of Bombay.

No. P.S.G.- 1332
Office of the Private Secretary to the Governor,
Government House,
Bombay, 19th March 1948.

Copy forwarded with compliments for information to-

(1) The Secretary to Government, Legal Department, with reference to his letter No. 2548, dated 13th March 1948.

(2) The Secretary to Government, Home Department, with reference to his endorsement No. 4246/5-B, dated 15th March 1948

By order of the Governor of Bombay,

Private Secretary
to the Governor of Bombay.

MM 50 dated 31-5-'50.

No. P.S.G.- 2005

FROM.

L.M.Kudkarni, Esquire, I.C.S.,
Private SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to the Government of Bombay,
Legal Department.

GOVERNMENT HOUSE.

BOMBAY, 20th May 19

Subject: The Code of Criminal Procedure (Bombay Second Amendment) Bill, 1948.

....

Sir,

With reference to the correspondence resting with your letter No. 3559, dated the 13th April 1948, I am directed to return herewith the authentic copy of the Code of Criminal Procedure (Bombay Second Amendment) Bill, 1948, with His Excellency the Governor-General's assent signified thereon.

2. I am to say that the Government of India, Ministry of Home Affairs, have pointed out that, as the Bill relates to a subject in the Concurrent Legislative List, the Provincial Government should, in accordance with the established convention (vide Government of India, Home Department, Letter No 57/1 Judicial, dated the 18th December 1940, and Legislative Department letter No. — F. 232/42 C.A.O.(Judl), dated the 20th April 1942), have consulted the Central Government before undertaking this legislation.

Your obedient servant,

For Private Secretary to the Governor
of Bombay.

5C dated 31-5-'56.

Bills.

A Bill to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 1464
Bombay Castle, 10th February 1948.

RESOLUTION:- The Bill with the statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette dated the 10th February 1948, as Bill No. XV of 1948.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarathi, Kannada and Hindustani (in Urdu and Devnagari Scripts) and the translations should be published in the Bombay Government Gazette, on the 10th February 1948.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,

S.L.BHANDHARI,
Assistant Secretary to Government

To

The Manager, Government Central Press, Bomba- (with the Bill and Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and S.O.R. may be forwarede to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 40 copies for the use of the Legal Department and 20 copies for the use of the Home Department).

The Home Department) with a copy
*The Oriental Translator to Government) of the Bill
The Bombay Legislature Department;) and S.O.R.
The Director of Publicity, Bombay,)
The Enquiry Officer for the Secretariat, Bombay.)

---

*with five extra copies of the Bill

MM 5C dated 31-5-'50.

STATEMENT OF OBJECTS AND REASONS.

The Code of Criminal Procedure, 1898 does not contain at present any provision for awarding costs in cases launced by private parties, when the Court is of opinion that a complaint is frivolous or vexatious or is in abuse of the process of the court Such provision exists in some other countries. It is necessary hat a similar provision should be made in the Code of Criminal Procedure, 1898, enabling all Criminal courts in this Province to make an order for costs in favour of the accused where the court is of the opinion that a prosecution is launched by a private prosecutor without reasonable cause. The Bill is intended to make such a provision.

Clause 3 of the Bill provides for insertion of a new Chapter XLII-A empowering courts to award costs against priva parties in cases where the accused is ordered to be discharg or acquitted and where, in the opinion of the court, the complaint was made, or the information was given without any reasonable or probable cause.

Clause 2 of the Bill provides for insertion of a new section 476 C. which enables the Courts to award costs in sanction proceedings.

Dated 9th February 1948. (Signed) Morarji Desai.

By order of the Governor of Bombay

P.M.LAD.

Secretary to the Government of Bombay,
Legal Department.

Bombay dated 10th February 1948.
MM 5C dated 31-5-'50.

Amending Acts.

Publication of the Code of Criminal Procedure (Bombay Second Amendment) Act, 1948.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 4900
Bombay Castle, 22nd May

Letter to the Private Secretary to the Governor, No/2548, dated the 13th March 1948.

Letter from the Private Secretary to the Governor, No. P.S.G.- 2005, dated the 20th May 1948.

RESOLUTION.- The law should be published as Bombay Act No. XLVI of 1948, in the Bombay Government Gazette dated the 22nd May 1948.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor to Government

S.L.Chaudhari,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department)

The Home Department) with a

*The Oriental Translator to Government) copy of the Act

The Bombay Legislature Department,)

The Director of Publicity, Bombay,)

The Enquiry Officer for the Secretariat) Bombay.

---

*with five extra copies of the Act.

5C dated 31-5-'56.

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XV OF 1948.

A Bill to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

V of 1898.

Short title.

1. This Act may be called the Code of Criminal Procedure (Bombay Second Amendment) Act, 1948.

Insertion of new section 476C in Act V of 1898.

2. In the Code of Criminal Procedure, 1898 (hereinafter called the said Code), in its application to the Province of Bombay, after section 476B the following new section shall be inserted, namely :—

V of 1898.

Power to order costs.

"476C. A criminal court dealing with an application made to it for filing a complaint under section 476 or 476A, and a court dealing with an appeal under section 476B and the High Court dealing with an application in revision shall have power to make such order as to costs as may be just :

Provided that no such order shall be made against the Government or any public servant acting on behalf of the Government."

Insertion of new Chapter XLIIA in Part IX of Act V of 1898.

3. In Part IX of the said Code, after Chapter XLII the following new Chapter shall be inserted, namely :—

"CHAPTER XLIIA.

Of costs to be paid by the complainant or informant.

Power to order costs against complainant or informant.

516 AA. (*1*) If in any case instituted upon complaint or upon information given to a police officer or to a magistrate, the accused is ordered to be discharged or acquitted by any court (including a court of appeal or revision) or if in any such case the proceedings are quashed by the High Court by an order made under section 561A and if such court is of the opinion that the complaint was made or the information was given without any reasonable and probable cause, it may, at the time of making such order, if the complainant or informant is present, call upon him forthwith to show cause why he should not be ordered to pay costs to such person ; or if the complainant or informant is not present, direct the issue of a notice to him to appear and show cause as aforesaid.

(*2*) The court shall record and consider any cause which such complainant or informant may show and may make an order directing him to pay the whole or any part of such costs. Such costs may include any expenses incurred in respect of witnesses and of pleader's fees which the court considers reasonable.

(*3*) The court may, by the order directing payment of costs under sub-section (*2*), further order that in default of payment the person ordered to pay such costs shall suffer simple imprisonment for a period not exceeding thirty days.

(*4*) When any person is imprisoned under sub-section (*3*), the provisions of sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply. XLV of 1860.

(*5*) No person who has been directed to pay costs by an order made under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

(*6*) Where any such order is made by a magistrate and the amount directed to be paid exceeds fifty rupees, the complainant or informant may, within sixty days from the date of the order, appeal against it to the court of session.

(*7*) In cases where the order is appealable under sub-section (*6*), the costs shall not be paid before the period allowed for the presentation of the appeal has elapsed or, if an appeal is presented, before the appeal has been decided and in other cases the costs shall not be paid before the expiration of one month from the date of the order."

STATEMENT OF OBJECTS AND REASONS.

The Code of Criminal Procedure, 1898, does not contain at present any provision for awarding costs in cases launched by private parties, when the Court is of opinion that a complaint is frivolous or vexatious or is in abuse of the process of the court. Such provision exists in some other countries. It is necessary that a similar provision should be made in the Code of Criminal Procedure, 1898, enabling all Criminal Courts in this Province to make an order for costs in favour of the accused where the court is of the opinion that a prosecution is launched by a private prosecutor without reasonable cause. The Bill is intended to make such a provision.

Clause 3 of the Bill provides for insertion of a new Chapter XLII-A empowering courts to award costs against private parties in cases where the accused is ordered to be discharged or acquitted and where, in the opinion of the court, the complaint was made, or the information was given without any reasonable or probable cause.

Clause 2 of the Bill provides for insertion of a new section 476 C which enables the courts to award costs in sanction proceedings.

(Signed) MORARJI DESAI.

Dated 9th February 1948.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

Bombay, dated 10th February 1948.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 22ND MAY 1948.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

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BOMBAY ACT No. XLVI of 1948—An Act to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay	405-406

The following Act of the Bombay Legislature having been assented to by the Governor General on the 10th May 1948 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XLVI OF 1948.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 22nd May 1948.)

An Act to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the Province of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

V of 1898.

1. This Act may be called the Code of Criminal Procedure (Bombay Second Amendment) Act, 1948. Short title.

V of 1898.

2. In the Code of Criminal Procedure, 1898 (hereinafter called the said Code), in its application to the Province of Bombay, after section 476B the following new section shall be inserted, namely:— Insertion of new section 476C in Act V of 1898

"476C. A criminal court dealing with an application made to it for filing a complaint under section 476 or 476A, and a court dealing with an appeal under section 476B and the High Court dealing with an application in revision shall have power to make such order as to costs as may be just: Power to order costs.

Provided that no such order shall be made against the Government or any public servant acting on behalf of the Government."

Insertion of new Chapter XLIIA in Part IX of Act V of 1898.

3. In Part IX of the said Code, after Chapter XLII the following new Chapter shall be inserted, namely :—

"CHAPTER XLIIA.

Of costs to be paid by the complainant or informant.

Power to order costs against complainant or informant.

516 AA. (*1*) If in any case instituted upon complaint or upon information given to a police officer or to a magistrate, the accused is ordered to be discharged or acquitted by any court (including a court of appeal or revision) or if in any such case the proceedings are quashed by the High Court by an order made under section 561A and if such court is of the opinion that the complaint was made or the information was given without any reasonable and probable cause, it may, at the time of making such order, if the complainant or informant is present, call upon him forthwith to show cause why he should not be ordered to pay costs to such person ; or if the complainant or informant is not present, direct the issue of a notice to him to appear and show cause as aforesaid.

(*2*) The court shall record and consider any cause which such complainant or informant may show and may make an order directing him to pay the whole or any part of such costs. Such costs may include any expenses incurred in respect of witnesses and of pleader's fees which the court considers reasonable.

(*3*) The court may, by the order directing payment of costs under sub-section (*2*), further order that in default of payment the person ordered to pay such costs shall suffer simple imprisonment for a period not exceeding thirty days.

(*4*) When any person is imprisoned under sub-section (*3*), the provisions of sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply. XLV of 1860.

(*5*) No person who has been directed to pay costs by an order made under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

(*6*) Where any such order is made by a magistrate and the amount directed to be paid exceeds fifty rupees, the complainant or informant may, within sixty days from the date of the order, appeal against it to the court of session.

(*7*) In cases where the order is appealable under sub-section (*6*), the costs shall not be paid before the period allowed for the presentation of the appeal has elapsed or, if an appeal is presented, before the appeal has been decided and in other cases the costs shall not be paid before the expiration of one month from the date of the order."

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.